

November 29, 2021

VIA ECF

The Honorable Sterling Johnson, Jr.
United States District Judge
U.S. District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

**Re: *Lerman, et al. v. Apple Inc., 15-cv-07381* (SJ) (LB) (E.D.N.Y.)
November 30, 2021, Status Hearing**

Dear Judge Johnson:

The parties write jointly in advance of tomorrow's status hearing to provide the Court an update on the status of this matter.

Fact Discovery: Since the parties' last update to the Court, on September 3, 2021 (ECF No. 148), they have completed the remaining depositions that were outstanding as of that time. In addition, Defendant Apple Inc. ("Apple") has provided Plaintiffs with information in response to questions related to several of the topics identified in Plaintiffs' Rule 30(b)(6) deposition notice, which Apple agreed to provide in lieu of deposition testimony on that topic. Plaintiffs posed follow-up questions to Apple on one of those topics on September 30, 2021, and October 13, 2021, which Apple is continuing to investigate.

Expert Discovery: The parties jointly request a two-week extension of expert discovery to May 9, 2022. On September 8, 2015, Judge Bloom granted the parties' earlier joint request to revise the schedule and set expert discovery to close on April 25, 2022. The parties request an additional two weeks that Plaintiffs require for their opening expert reports, which Plaintiffs will now submit on December 7, 2021 (non-damages) and January 6, 2022 (damages), because of the challenging technical issues involved and the need for coordination among multiple experts and with the independent third-party maintaining custody of certain confidential information that Plaintiffs' experts are analyzing.¹

If the Court agrees, expert discovery shall now be complete by May 9, 2022; any request for a pre-motion conference shall be made by May 26, 2022, in accordance with Judge Johnson's

¹ The parties initially discussed this scheduling modification on November 15, 2021, and have been discussing the specific dates involved, as well as the other topics noted in this letter, since that time.

Individual Rules;² and the parties shall file a status letter by April 25, 2022. In addition, the parties have agreed upon dates for all of the interim expert discovery deadlines that they noted in their September 3, 2021, letter to allow them to complete expert discovery by May 9, 2022.

Mediation: As the Court has suggested, the parties have discussed mediation. The parties have agreed upon a potential mediator and are planning to schedule mediation in January of 2022.

The parties look forward to an opportunity to answer any questions the Court may have and discuss these matters in further detail at the upcoming conference on November 30, 2021.

Dated: New York, New York
November 29, 2021

Respectfully submitted,

/s/ Michael Grunfeld

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² This date of May 26, 2022, to request a pre-motion conference is three weeks, rather than two weeks, after the date the Court set previously because of pre-existing conflicts during this time.

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Cc: The Honorable Magistrate Judge Lois Bloom
All counsel of record